

REMARKS

The Office has required restriction in the present application as follows:

Group I: Claims 1-5 and 12-14 drawn to a branched macromer;

Group II: Claims 6-8, 15-18, 22 and 32-35, drawn to a graft copolymer; and

Group III: Claims 9-11, 19-21, 23-31 and 36-44, drawn to a polymer blend composition.

In addition, the Office is requiring the election of one of the following types of polymer, and one of the following types of catalyst:

(i) a propylene polymer or an ethylene polymer; and

(ii) a metallocene catalyst or a Ziegler-Natta catalyst.

Restriction is only proper if the claims of the restricted groups are either independent or patentably distinct. The burden of proof is on the Office to provide reasons and/or examples to support any conclusion with regard to patentable distinctness. MPEP §803.

Applicants respectfully traverse the requirement for restriction on the grounds that the Office has not provided adequate reasons and/or examples to support a conclusion of patentable distinctness between the identified groups.

The Office, citing PCT Rule 13.1 and 13.2, contends that Groups I-III do not relate to a single general inventive concept because "they lack the same or corresponding special technical features". The Office asserts that "the feature of the macromer of Group I is no longer exist in the graft polymer of Group II and III." Applicants make no statement in regard to the patentable distinctness of the claims, but note that Claim 6 depends from Claim

1. Thus, Applicants fail to understand the Office's allegation.

Moreover, Applicants respectfully submit that Office has merely stated a conclusion and has not provided adequate reasons and/or examples why unity of invention is lacking.

The Office contends that the special technical feature of Groups II and III is anticipated by

Markel et al. (US WO 98/34970). However, the Office has merely concluded that the copolymers of Markel et al. anticipate that claimed polymers without providing any explanation whatsoever. Accordingly, Applicants respectfully submit that the Office has failed to properly support the Requirement for Restriction and accordingly request that it be withdrawn.

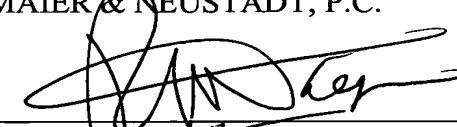
Moreover, Applicants respectfully traverse on the grounds that the Office has not shown that a burden exists in searching the entire application. MPEP §803. Applicants respectfully submit that a search of all the claims would not impose a serious burden on the Office.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Requirement for Restriction and Election of Species. Withdrawal of the Requirement for Restriction and Election of Species is respectfully requested.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice thereof is earnestly solicited.

Respectfully submitted,

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